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TRANSMITTAL SHEET

TO: Examiner J. CHIANG DATE: July 8, 2005
FROM: DeWitt M. Morgan FAX NUMBER: 571-273-8300

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Regarding

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James M. Carter
Application No.: 09/898,648 Group No.: 3727
Filed: 07/03/2001 Examiner: CHIANG, J.

For: CARRIER WITH BUILT-IN AMPLIFICATION FOR PERSONAL AUDIO DEVICE

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PATENT

Practitioner's Docket No. 13429-40254

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Application No.: 09/898,648

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Examiner:

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement of June 27, 2005, Applicant elects, with partial traverse, the claims of Group II. Applicant assumes that the Primary Examiner intended the group to be claims 9-12 and not 9-14 as stated.

In a telephone call prior to the Office Action, the Primary Examiner verbally grouped claim 15 with claim 9-12. Given the overlap between these claims, Applicant requests that his part of the restriction be withdrawn.

Date: 07/08/05

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